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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA

GUADALUPE ORTIZ,

Plaintiff,

v.

ALS USA, INC., a Nevada Corporation,

Defendant.

Case No. 3:21-cv-00335-MMD-CSD

**STIPULATION AND PROPOSED
ORDER TO EXTEND DEADLINE
FOR CONFIDENTIAL ENE
STATEMENT**

The parties through their counsel of record, James P. Kemp, Esq., on behalf of Plaintiff Guadalupe Ortiz; and Rebecca Bruch, Esq., of Lemons, Grundy & Eisenberg, on behalf of Defendant ALS USA, Inc., pursuant to Local Rules LR IA 6-1 and LR 26-4, hereby stipulate to extend the deadline for the Confidential ENE Statement.

Fed. R. Civ. P. 16 provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause” standard focuses primarily on the movant’s diligence. *Coleman v Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir. 2000).

The Early Neutral Evaluation in this matter is currently scheduled for March 22, 2022. The ENE statement is currently due on March 15, 2022.

Defense counsel represents the City of Ely, in the case of *Ely Disposal Service, Inc.*, v. *The City of Ely*, Case No. CV-1808095, in the Seventh Judicial District Court of

1 the State of Nevada, In and For the County of White Pine. Parties in that case were
2 working toward settlement, but those negotiations were not successful. As such, defense
3 counsel is preparing for legal arguments, and will be traveling to Ely, Nevada, and
4 appearing in person in that case at 1:30 on Tuesday, March 15, 2022, the same day the
5 Confidential ENE Statements are due. Based on that calendar conflict, defense counsel
6 requests an extension of time for the filing of Defendant's Confidential ENE Statement
7 to noon on March 17, 2022. Plaintiff's counsel has no objection, and stipulates to the
8 short mutual extension.

9 Dated this 14th day of March, 2022.

10
11 KEMP & KEMP

12 By: /s/ James P. Kemp
13 JAMES P. KEMP, ESQ. (SBN 6375)
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16 *Attorneys for Plaintiff*

17 LEMONS, GRUNDY & EISENBERG

18 By: /s/ Rebecca Bruch
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21 Reno, Nevada 89519
22 *Attorneys for Defendant*

23 **IT IS SO ORDERED:**

24 DATED this 14th of March, 2022.

25 
26 UNITED STATES MAGISTRATE JUDGE
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